

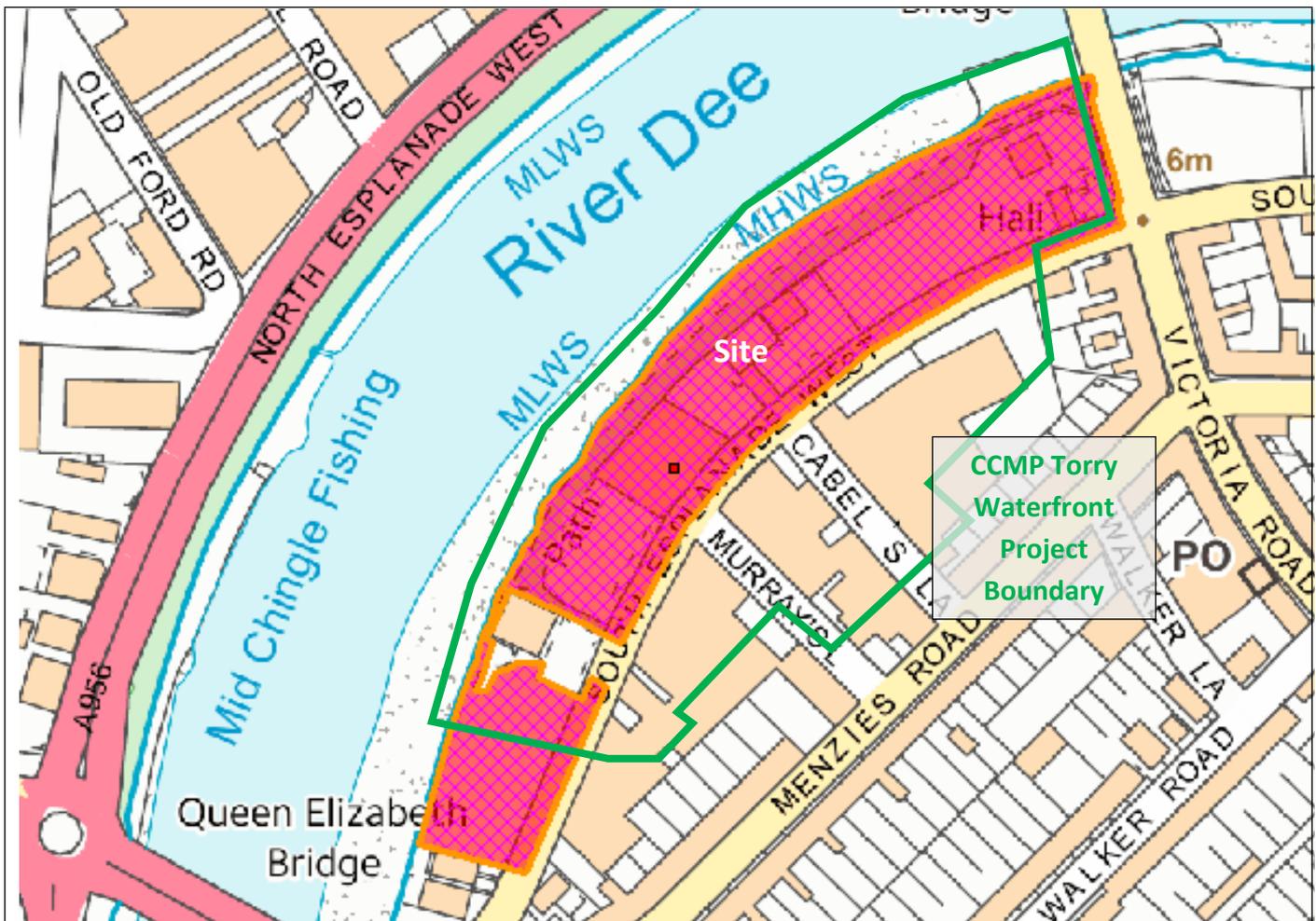


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 5<sup>th</sup> December 2019

<b>Site Address:</b>	South Esplanade West, Aberdeen, AB11 9FJ
<b>Application Description:</b>	Residential led development comprising approximately 258 residential flats set over between 4 and 7 stories, 616 sq.m of class 1 (Retail) riverside park/open space and associated infrastructure
<b>Application Ref:</b>	181702/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	28 September 2018
<b>Applicant:</b>	Aberdeen Harbour Board
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	Torry
<b>Case Officer:</b>	Daniel Lewis



## **RECOMMENDATION**

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Willingness to approve subject to conditions and securing a legal agreement to deliver affordable housing and developer obligations towards community facilities, sports and recreation, open space and healthcare.

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site incorporates land on the north side of South Esplanade West in Torry, situated immediately adjacent to the River Dee, between the Victoria Bridge at its north end and the play park and rowing club premises near the Queen Elizabeth Bridge (A956) at its south end.

It is owned by Aberdeen Harbour Board and features several industrial and commercial premises including a crane depot, petrol filling station, warehouse, mission hall, vacant and hot food takeaway facing onto Victoria Road. Between this developed area and the high tide mark of the river is a public footpath set within riverside vegetation, with a belt of trees separating it from the developed area.

- The River Dee is designated as a Special Area of Conservation and as a Local Nature Conservation Area.
- The Victoria Bridge is a B-listed structure and located at the east end of the site, although out with it.
- The proposed site lies between two Air Quality Management Areas (AQMA).

### **Relevant Planning History**

- A proposal of application notice (180297/PAN) for the proposed development was submitted in March 2018.
- In May 2018 an environmental impact assessment ('EIA') screening opinion request (180589/ESC) was submitted. The planning authority confirmed that an environmental impact assessment would not be required.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Planning permission in principle is sought for a residential led development comprising approximately 258 flats and 618 sq.m of class 1 (retail) space.

Although an application for planning permission in principle, indicative details have been submitted to demonstrate that the level of development proposed could be accommodated on the site. The indicative plans have been amended since submission and show the following.

- Eight generally rectangular blocks, sitting at right angles to the river and South Esplanade West. They would contain 258 flats, which can be broken down into 90 one-bedroom, 129 two-bedroom, 32 three-bedroom and 7 four-bedroom flats.

- The blocks would be between four and five storeys tall on the South Esplanade West side of the development and between five and eight storeys on the riverside.
- The block facing Victoria Road would contain around 503 sq.m of commercial floor space at ground level whereas one of the middle blocks, adjoining the central public square would contain 113 sq.m, also at ground floor.
- A central area of public space (public square) between the middle blocks, with “jumping off” space set aside for a pedestrian bridge over the river should this ever come to fruition.
- 110 parking spaces would be provided in parking courts between the blocks. This figure would include seven accessible spaces and two car club spaces. 258 cycle parking spaces would be provided in internal cycle stores and seven motorcycle spaces within the car parks.
- Retention and enhancement of the green space and trees between the existing developed area and edge of the high tidemark. Connections into the existing path would be provided with the existing path improved to enhance access.
- Retention of the play park and Aberdeen Boat Club boathouse.

Details such as the appearance of buildings and detailed landscaping would be agreed through applications for matters specified in conditions.

## Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council’s website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFPLBNBZH0E00>

- Design and Access Statement
- Drainage Assessment
- Environmental Survey
- Flood Risk Assessment and Addendum
- Noise Impact Assessment
- Pre-application Consultation Report
- Phase 1 Geo-Environmental Site Assessment
- Transport Assessment
- Tree Survey

## Reason for referral to Committee

The application has been referred to the Planning Development Management Committee because the application constitutes a Major Development and because six letters of representation have been submitted objecting to the application.

## CONSULTATIONS

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**ACC - Developer Obligations** – Developer obligations are sought for community facilities, sports and recreation, open space and healthcare. (see the evaluation section of this report for a details breakdown)

**ACC - Environmental Health** – The outcome of the noise impact assessment in relation to the likelihood of achieving acceptable internal noise levels for the flats through application of appropriate mitigation measures is accepted. The Team considers the noise impacts for the development would be acceptable subject to the imposition of a condition that ensures the submission and approval of a scheme for an enhanced glazing specification and ventilation system for the windows of the affected flats and the subsequent implementation of such a scheme prior to first occupation.

In relation to air quality, it is understood that the number of parking spaces has been reduced to around 110 and the conclusions of the transport appraisal appear reasonable. On that basis it is accepted that a further air quality impact assessment would not be necessary

**ACC - Structures, Flooding and Coastal Engineering** – The flood risk assessment and addendum have been reviewed. No flooding records during Storm Frank (during 2015) of the east side of River Dee or the proposed site are held. Although the proposed finished floor level is acceptable, it is suggested consideration is given to a 1,000mm freeboard.

**ACC - Roads Development Management Team** – The Roads memorandum can be summarised as follows:

#### Walking and cycling

- Parking court accesses should be footway crossings so there is a consistent footway along the site frontage that gives pedestrians priority.
- Details of road geometry, parking, dimensions etc should be conditioned for the detailed application stage.
- Appropriate pedestrian crossing facilities at the eastern end of South Esplanade West, provide safe routes towards the City Centre and the centre of Torry. South Esplanade West forms part of the National Cycle Network Route 1 connecting to designated cycle routes to other parts of the City.

As such the site is well served for pedestrians and cyclists.

#### Public Transport

- There are numerous/frequent public transport links along the neighbouring streets (Victoria Road, Menzies Road) which provide links into the City Centre and the wider City
- Financial contributions should be secured to bring bus stops on Menzies Road up to standard and possible improvements to the most direct routes to these facilities up Cabel's and Murray's Lane that are currently not particularly desirable for pedestrians

#### Parking

- The ACC parking standard for this area of the City is 1.5 spaces per flat or 0.8 for affordable/rented accommodation.
- 110 parking spaces are proposed achieving a ratio of 0.43 per flat ie. well below the standard. However, the site sits marginally outside the city centre within which parking standards can be reduced for new developments
- Limiting car parking can have positive and negative effects. It may encourage modal shift away from car ownership towards sustainable transport which is highly desirable and aid in reducing carbon emissions. Conversely the site is not in a controlled parking zone and, if this reduction in car ownership does not occur, the potential for indiscriminate parking is high. The Traffic Management Team confirm that the area is highly congested with limited scope for additional parking demand to be catered for on street. Alternative parking provision such as under-croft parking/standalone parking structure could be explored.

- The car club spaces are welcomed although this typically compensates for secondary car ownership (at a ratio of 1:17) rather than primary car ownership
- The large overprovision of cycle parking spaces will aid in the shortfall of parking spaces but a significant overprovision in one mode does not directly mitigate a shortfall in another mode
- Adequate motorcycle parking is proposed
- Electric vehicle charging points should be provided
- Given the PPIp nature of this application, no definite conclusion on parking provision is required. It is sufficient to say that a solution is achievable. The detailed matters specified application stage should be conditioned to include a comprehensive parking survey, robust justification of shortfall in parking etc.

#### Development Vehicle Access/Construction Consent

- Six vehicular access points are proposed into parking courts. As this road is currently industrial in nature, the junction spacing requirements are more onerous than a residential street and currently do not adhere to ACC standards presenting a safety concern. This will require to be addressed as part of a detailed application, but access and internal roads / parking arrangements can be conditioned at this stage.
- There is a long-term vision for this area of the city to transition to residential use but until this happens, there will be a degree of conflict between residential use and the movements, loading and operation of HGV's / commercial vehicles associated with the existing industrial uses. As such, the applicant will be required to provide robust design mitigations at the detailed application stage to warrant siting a residential use so close to an industrial area. It should be conditioned that all accesses and internal roads, safe routes to school assessments, upgrades / infrastructure required are to be agreed at the detailed matters specified by condition stage.

#### Local Road Network

- Junctions within the vicinity will still operate to acceptable levels and no mitigation measures are required but a condition should ensure that this is still the case at the detailed application stage

#### Travel Plan Framework (Residential Travel Pack)

- This should be conditioned to be provided at the detailed application stage

#### Safe routes to school

- The industrial nature of South Esplanade incurs safety concerns for pupils navigating industrial operations when following the most direct routes to and from school.
- A condition should require a matters specified in conditions application to provide a robust solution to ensuring a safe, convenient route to school for primary and secondary aged children.

#### Drainage

- A Drainage Impact assessment should be conditioned

#### Conclusion

As this area is in a process of transition, there requires to be a degree of flexibility from a Roads perspective - balancing the benefits of an accessible location against potential issues.

Anomalously, the site is included within the City Centre Masterplan but located in the outer city boundary as per ACC supplementary guidance. The zoning is arbitrary, this site is closer to the city centre than many other sites within the inner city. Zoning and parking standards are under review with the aim to reduce car ownership. That said, when this site is measured strictly against the current standards, there is a significant shortfall of parking.

It is acknowledged, and supported by the Roads Teams, that there is a push to move the city towards being greener, and towards having less reliance on personal car use, to which this site has several beneficial facets – such as the significant cycle parking provision, proximity to frequent public transport links, walkable distance to city centre and both bus/train station interchanges.

However, providing parking at such a level below the parking standard in an area that is not subject to controlled parking and heavily congested could result in increased parking pressures on surrounding streets, impacting on existing residents.

As this would be the first phase in implementing the City Centre Masterplan, initially the proposed large residential site with 6 accesses conflicts with the existing industrial nature of South Esplanade Road. This road is currently used by HGV's and various loading/unloading of commercial vehicles which will have both safety and traffic management implications in a semi-residential setting.

This application is quite unusual in that the applicant has provided a greater level of detail than would be expected for a Planning Permission in Principle (PPiP) which in turn has incurred queries and questions that have not yet been fully addressed. In acknowledging that this is a PPiP application, there is therefore scope to attach various conditions in order for engineering solutions to the concerns raised be addressed at such time of a future matters specified by condition application.

In summary, there is a certain level of concern to this application, however should adequate conditions be attached to any approval then Roads Development Management would have no further observations.

**ACC - City Growth Team** – The proposal contributes to the City Centre Masterplan (CCMP) vision to develop an urban neighbourhood at the Torry Waterfront (South Dee), Project CM03. In particular, the CCMP identifies potential redevelopment opportunities to create a new riverside district with connections to the commercial precinct at North Dee.

The proposal would deliver 258 new flats in the city. As a result, the applicant has provided information on the cost of construction, the number of residential properties and commercial floorspace

1. Construction of the scheme is estimated to cost £29m and could take up to three years. Based on a cost per construction job figure from ONS Annual Business Survey this could generate 170 direct, indirect and induced temporary jobs over a three-year period.
2. The total amount of resident expenditure generated by the scheme could be in excess of £5m per annum with an associated 68 supported jobs. However, the amount of new resident expenditure is dependent upon assumptions of the number of new residents to the city that move to the flats, which is uncertain. The recent decline in population, the emigration trends away from the city and the evidence of over-supply of certain properties in the city centre may mean that new resident expenditure is likely to be a fraction of the total amount of resident expenditure. As an illustration, if 50% of residents of the proposed development were new to the city then this could generate around £2.5m new resident spend per annum with an associated 34 supported jobs.
3. The potential benefits of the retail offering are less clear but based on the commercial floorspace of 616 square metres alone this could generate an additional £1m GVA per annum.

**ACC - Waste Strategy Team** – Bins would be emptied from the kerbside of South Esplanade West and collection vehicles will not enter the car park. All bin stores must be 10m or less from the kerbside.

At this stage it is not possible to comment whether or not the bin stores will be sufficient for the bins required.

**Archaeology Service (Aberdeenshire Council)** – Historical mapping for the site has been reviewed and it would appear that the majority of it was either subject to the original course of the River Dee or early 20th Century landscaping. As such surviving archaeological remains are unlikely.

However, one building which will be directly impacted upon by the development is the former Mission Hall (featuring in the ACC Sites and Monuments Record) and as such it is recommended that a condition is applied requiring a standard building survey to be carried out.

**Dee District Salmon Fishery Board** – No objection if the development is undertaken in accordance with all legal pollution prevention requirements and guidance.

**Scottish Environment Protection Agency –**

SEPA have reviewed the submitted flood risk assessment (FRA). It is considered the Storm Frank event during 2015 to be in the region of a 1 in 200-year return period, so the FRA may be underestimating the peak flow and SEPA do not agree with the design flows shown in the FRA. However, SEPA do not hold any information to indicate that the site was impacted during Storm Frank, and so it seems likely that there would be developable land within the site that is out-with the functional floodplain. The FRA considers that the dominant risk to the site is from coastal sources but due to the location of the site, and the mouth of the River Dee no further coastal assessment was considered required.

Although there may be some uncertainties in the flood levels provided in the FRA, from review of the indicative site layout it appears that all built development will be above 3.92m AOD which is higher than both the fluvial and coastal flood levels and could be an acceptable design level for the development. It is therefore requested that it is secured by condition that no built development or land-raising takes place on ground below 3.92m AOD.

The FRA recommends a 600mm freeboard to be applied to the 1 in 200 year plus climate change coastal flood level to determine a proposed finished floor level (FFL) of 4.05m AOD. As stated before, there is still some uncertainty in the predicted flood levels and so we would recommend that a higher freeboard is applied or is applied to the design level of 3.92m AOD e.g. FFLs at 4.52m AOD.

It is requested that further conditions are attached to any grant of planning permission requiring –

- a buffer strip to the tidal limit to be agreed with the Planning Authority in consultation with relevant parties including SEPA and that no development takes places below the tidal limit.
- a construction method statement detailing site specific management for surface water run-off
- details of the design of the proposed SUDS outfall to be submitted, agreed and implemented in full

**Scottish Natural Heritage** – It is noted that the conclusion of your Habitats Regulation Assessment is that, subject to the conditions outlined in the Council's assessment, the proposal will not adversely affect the integrity of the River Dee SAC.

**Scottish Water** – No response received.

**Torry Community Council** – No response at time of submission (Community Council has since disbanded).

## **REPRESENTATIONS**

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Seven representations have been received, six objecting and one generally supportive but raising concerns on design grounds. The representations originate from four businesses located on South Esplanade West (two fish processors, a rowing club and martial arts school) whilst the other three are from residents around the city or users of the riverside. The matters raised can be summarised as follows –

### **Objecting**

#### Land Use and Amenity

1. South Esplanade West is a busy and diverse commercial/industrial environment unsuitable for residential development. Policy H2 places an obligation on the developer to create a satisfactory residential environment, without any adverse impact on the viability/operation of existing businesses in the area.
2. Although a CCMP site, developing the site in isolation would be premature and represents inappropriate development given surrounding land uses. This would lead to piecemeal development undermining the wider CCMP objectives if brought forward in isolation. No meaningful discussions on relocation have taken place between the Council and existing landowners/businesses. If as claimed by the applicant this development is a catalyst for this change, the only way this could happen is if, as a result of inappropriate development, the businesses in the area are so adversely affected that they choose to leave, which would be contrary to Policy H2.
3. The development fails to meet any of the objectives of the CCMP, such as relocation of remaining industrial uses to alternative accommodation; provision of a “Hotel Academy”, retail and food and drink uses; traffic calming and public realm improvements; car parking with limited visual impact (i.e. basement/undercroft parking) and expansion of the riverside park towards Victoria Road, including children’s play areas.
4. The applicant’s noise assessment appears to attempt to downplay potential night-time noise from fixed plant by assessing against a background noise level during probably the noisiest part of the night-time period (06:00 to 07:00) as activity in the area begins to rise. Even so the assessment finds that there will be significant adverse impacts on parts of the development.
5. Reliance on closed windows and trickle ventilation is not enough to address the potential risk of night-time noise disturbance to residents and could lead to a statutory nuisance being declared adversely affecting nearby businesses.

#### Accessibility and Parking

6. There is already an acute parking problem in the area. South Esplanade West struggles to cope with the parking required by businesses, employees, visitors and residents of nearby Menzies Road. This will only be exacerbated by providing so few spaces compared to the number of flats.
7. Most prospective residents of the development would be employed outside the city centre. The current public transport network does not facilitate realistic access to key employment areas; most will use cars.

### Traffic and Road Safety

8. The inconvenient and low amenity levels of walking and cycle routes to the city centre cast doubt over whether significant numbers of future residents would choose to walk into the city centre or cycle from the development.
9. The potential impact of additional traffic on the risk of accidents. South Esplanade West has a significant number of HGV movements, servicing both the existing businesses on the street and accessing the harbour. The combination of private car and HGV movements could lead to unacceptable conflicts on the street to the detriment of road safety.
10. Narrowing of the South Esplanade West carriageway, introduction of on-street parking, lack of traffic calming and increase in vehicle movements could have a significant adverse impact on the operation of business and road safety.
11. Given the one-way nature of the road, narrowing by pavement widening and on-street parking it is inevitable that bin collection directly from South Esplanade West would lead to refuse lorries blocking the highway.

### Design

12. Seven storeys is too high and would affect current river users by creating a wind tunnel. In other riverbank developments a tiered development has been employed to minimise this potential impact on existing river water users. Four storeys would be more appropriate.
13. High quality design must be at the forefront of any approved project. What is proposed looks like another tasteless mass of concrete and glass, devoid of any imagination and architectural skill. This is the perfect location to design buildings that are modern but still sympathetic to the natural surroundings.

### Other

14. Development of the site could increase the risk of flooding to nearby businesses.
15. A condition requiring submission and approval of a Construction & Environmental Management Plan (CEMP) should be attached.
16. The development would encroach on the car park associated with the neighbouring boat house, removing the existing safe access and egress.
17. The existing play park should remain.

### **Supporting**

18. This part of the riverside has been crying out for redevelopment for years. Most large cities utilise their waterfronts to good effect, often providing much needed green space within the city and there is no reason Aberdeen should be any different, with housing, cafes and parks.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

- Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.
- Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.
- Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 requires that a competent authority (in this case the planning authority), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which–
  - (a) is likely to have a significant effect on a European site (in this case the River Dee SAC) in Great Britain (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of the site,
 shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

In the light of the conclusions of the assessment, and subject to considerations of any overriding public interest, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site. In considering whether a plan or project will adversely affect the integrity of the site, the authority shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

### **National Planning Policy and Guidance**

Scottish Government Technical Advice Note: Assessment of Noise

### **Aberdeen City and Shire Strategic Development Plan (2014) (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### **Aberdeen Local Development Plan (2017)**

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- D4: Historic Environment
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infrastructure Delivery & Planning Obligation
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded and Contaminated
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- CI1: Digital Infrastructure

### **Supplementary Guidance and Technical Advice Notes**

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Noise
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

### **Other Material Considerations**

- [City Centre Masterplan](#)
  - SEPA Flood Map – Potential Surface Water Flooding
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## **EVALUATION**

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### **Development Plan**

The application requires to be determined in accordance with the Development Plan, so far as material to the application unless material considerations indicate otherwise. The relevant policies of the Aberdeen Local Development Plan (ALDP) are considered below.

### **Strategic Development Plan**

In terms of assessment against the Strategic Development Plan, the proposal is not considered to be regionally significant or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP. It is acknowledged however that the proposal represents an element of the wider City Centre Masterplan which itself has a regional significance, which is discussed later in the report.

### **Mixed Use Areas**

The site is zoned as a mixed-use area (Policy H2) within the ALDP. Residential use is acceptable within such areas providing that any residential development takes into account the existing uses and character of the surrounding area and avoids undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

In terms of existing use and existing character, the area is primarily commercial/industrial. The redevelopment of the site would see all the commercial/industrial uses on the northeast side of South Esplanade removed entirely; eliminating commercial activity and delivery vehicle movements on this side of the street and thereby changing the character of the street to a partly residential environment.

Nevertheless, it is acknowledged that most of the commercial premises on the opposite (south-east) side of South Esplanade West could remain for the foreseeable future and the street will continue to be used as a route for deliveries and traffic to the southern part of Aberdeen Harbour in Torry. Activity by businesses and traffic movements on the road both have potential to cause adverse impacts on residential amenity. In accordance with Policy H2 of the ALDP it is important that the existing uses and character of the surrounding area is thoroughly assessed to ensure that a satisfactory residential environment can be created and that this does not impinge upon the viability or operation of existing businesses in the vicinity. The two are related because complaints from new residents about the adverse impact on residential amenity caused by adjoining business uses could potentially result in enforcement action by the Council that, in turn, could adversely affect those businesses.

With the foregoing detailed assessment in mind it should be noted that there are only three commercial premises on the south east side of South Esplanade East which have an active frontage on the street and therefore with the potential to cause nuisance to neighbouring residential property. From west to east these are:

- James Jack Lifting Services – a crane hire and crane contracting company. The business has no activity on the street and no operations occurring in the forecourt which is used exclusively for employee parking and storage of cranes and lifting equipment. This business cannot be regarded as significantly detrimental to a residential amenity given that all activity relates to the occasional movement of traffic arriving and leaving the premises.

- Piper Seafoods – one delivery bay accessed from the street with an adjoining small staff car park, no requirement for on-street deliveries. An associated rooftop chiller unit makes a low hum and operates 24 hours a day.
- Coupers Seafoods – a medium sized fish house. One or two forklifts are used on the corner of South Esplanade and Murrays Lane to load and unload pallets of fresh fish with a small pile of pallets sometimes present on the pavement. There is some fish odour. Activity is small scale and for a limited time each day - albeit it is understood that this includes early morning deliveries (as early as 6am).

The remainder of the south east side of South Esplanade has very little activity. Some premises have been unoccupied for several years and the remainder constitute:

- a small residential letting office,
- a cleaning company office and warehouse
- a martial arts studio and
- the rear wall and two vertical sliding access doors of the Arnold Clark commercial vehicles workshop. These doors are lightly used since the focus of activity is onto Menzies Road.

The most significant “bad neighbours” can be considered to be the two fish houses (Piper and Coupers). Fish smell is localised (near Coupers fish house) and short term during the day and the Council’s Environmental Health Team has not considered the impact significant enough to warrant an air quality impact assessment. The most significant amenity impacts of these businesses, therefore, relate to noise (chiller unit, forklift noise and early morning deliveries). Noise from traffic movements along South Esplanade West are also an amenity concern. With this in mind the noise impact assessment submitted by the applicant is fundamental to the assessment of this application.

Policy T5 (Noise) states that housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

A noise impact assessment (NIA) was carried out by the applicant and has been reviewed by the Council’s Environmental Health officers. The NIA found that the noise environment on the site is generally dominated by road traffic. Unloading and loading of heavy goods vehicles also feature.

The sensitivity of the proposed residential units to noise is high. The noise impact assessment indicates that there is a low likelihood of adverse impact from fixed plant (ie. from the Piper Seafoods chiller plant) at any time of day. It concludes, however, that, without mitigation measures, early morning deliveries at the commercial / industrial units on South Esplanade West would potentially have significant adverse impact on flats along the worst affected aspect (ie. the south east, street-facing elevations) of the proposed flatted blocks. There would also be a breach of the internal nighttime noise criteria for the same street facing flats resulting from road traffic noise.

Notwithstanding the foregoing, the NIA indicates that the nighttime noise nuisance for the affected flats can be satisfactorily mitigated by way of the installation of an enhanced glazing specification and an alternative ventilation system for windows in these affected properties (as detailed in the NIA). The NIA concludes that, subject to implementation of these mitigation measures, appropriate indoor ambient noise levels can be achieved in the proposed development and noise should not provide any impediment to grant of planning permission.

The report has been considered by the Council’s Environmental Health Team and, following clarification, the Team considers the noise impacts for the development would be acceptable subject to the imposition of a condition that ensures the submission and approval of a scheme for an enhanced glazing specification and ventilation system for the windows of the affected flats identified in the NIA and the subsequent implementation of such a scheme prior to first occupation. Conditions

would be attached requiring details to be submitted of the specific measures proposed for each block to address noise and ventilation.

In terms of the impact of daytime traffic movements on residential amenity, South Esplanade is a one-way street with a relatively low traffic flow compared to the adjoining main routes into the City. To give an idea in the morning rush hour (8.30 am) traffic flow is typically around 3 vehicles per minute. The street is used by the occasional HGV vehicle - in the order of one vehicle every 5 minutes in the rush hour - mainly travelling through to the south side of the harbour. This compares to flows of around 30 to 35 vehicles per minute along North Esplanade West on the other side of the river. In the evening peak traffic movement on South Esplanade West is less because of the one-way nature of the street that means that traffic leaving the harbour areas and City Centre follows alternative routes.

All flats in the development would have easy access to the enhanced landscaped parkland that would be provided along the riverside. All flats, including those with an elevation facing South Esplanade West, would have river views and would not exclusively look out on industrial/commercial areas. All ground floor flats, including those closest to South Esplanade West, would have dedicated areas of private outdoor amenity space demarcated by low hedging. The main noise impacts would be on a minority of flats that are closest to the street.

Taking the foregoing into account, it is considered that, subject to the imposition of appropriate planning conditions, a satisfactory residential environment can be created for the proposed development which should not impinge upon the viability or operation of existing businesses in the vicinity in accordance with the relevant ALDP Policy H2. The specific detail of how this is to be achieved would be considered in more depth as part of the assessment of future matters specified by condition applications.

## **Transportation**

### Transportation strategy and car parking

ALDP Policy T2 states that new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Policy T3 states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Car Clubs will also be supported where appropriate.

Supplementary Guidance (SG) Transport and Accessibility supports Policies T2 and T3 by providing guidance on how developments will be expected to assess and demonstrate their compliance with these policies.

In terms of Policy T2 and T3 it should be noted that the proposed development is highly accessible by sustainable modes of transport. The Roads DM Team consultee response confirms that there are numerous/frequent public transport links along neighbouring streets (Victoria and Menzies Roads) which provide regular links into the City Centre and elsewhere in the City. The central rail and bus stations are less than 900 metres walking distance from the site. Contributions can be secured through the application to improve bus stops on Menzies Road possible improvements to the most direct routes to these facilities up Cabel's and Murrays Lane that are currently not particularly desirable for pedestrians. Appropriate pedestrian crossing facilities are provided at the eastern end of South Esplanade West providing safe routes towards the City Centre and the nearby centre of Torry. South Esplanade West forms part of the National Cycle Network Route 1 connecting

to designated cycle routes to other parts of the City. As such the site is highly accessible and well served for pedestrians and cyclists and by public transport.

Supplementary Guidance (SG) on Transport and Accessibility supports Policies T2 and T3 by providing guidance on how developments will be expected to assess and demonstrate their compliance with policies T2 and T3 and this includes car parking standards. The proposed development would provide car parking on site at a ratio of 0.43 spaces per flat. This is a significant under-provision when compared directly with the ACC parking standard for this area of the City which is 1.5 spaces per flat or 0.8 for affordable/rented accommodation. The Roads DM Team indicate that the site is not in a controlled parking zone and, if the restriction on parking provision does not result in a reduction in car ownership, the potential for indiscriminate parking is high. The Traffic Management Team confirm that the area is highly congested with limited scope for additional parking demand to be catered for on street.

The Roads DM Team have also confirmed that limiting car parking could have the positive effect of encouraging modal shift away from car ownership and towards sustainable transport which is highly desirable and aids in reducing carbon emissions and tackling climate change. As explained above, the development is built in a location that is highly accessible by sustainable means of transport, immediately adjoining the commercial centre of Torry with convenient shops, library, primary school, other services and bus routes to the City Centre and elsewhere in the City. It is about 950 metres from both Union Street and less to the main bus and train stations. The large overprovision of secure cycle parking spaces (one per flat), the provision of two car club spaces and the inclusion of adequate levels of motorcycle parking will also alleviate the shortfall of parking spaces. Taking the foregoing into account it is considered that car ownership will not be essential for residents of the new development and car ownership levels are likely to be significantly lower than the City average, perhaps on par with the Torry West census area in which the development is located where only around 55% of households had a car at the 2011 census. Notwithstanding the foregoing it is acknowledged that the development would result in additional pressure on limited on street parking provision on surrounding streets. However, an initial parking survey by the applicant, including the evening and weekend periods when pressure is most intense on on-street spaces, indicates that there are in the region of between 28 and 65 available unrestricted spaces available on street spaces at these times within a 300-metre radius. The Roads DM Team conclude that, given that this is a planning permission in principle application, no definite conclusion on parking provision is required and it is sufficient to say that a solution is achievable. The detailed matters specified application stage should be conditioned to include a comprehensive parking survey and robust justification as to the shortfall in parking etc.

Taking into account the foregoing it is concluded that the level of car parking provided for this development would be acceptable taking into account the other material considerations in favour of the application as outlined in this report.

### Road Safety

The Roads DM Team have commented that six vehicular access points are proposed from South Esplanade into parking courts and because the junction spacing requirements for industrial areas is more onerous than for residential street the current proposals do not adhere to ACC standards. This presents a safety concern that will require to be addressed by way of robust justification as part of a detailed application. With that in mind final agreement of the layout of access and internal roads and parking arrangements can be the subject of a planning condition at this stage.

The Roads DM Team comment that there is a long-term vision for this area of the city to transition to a more residential use but until this happens, there will be a degree of conflict between residential use and the movements, loading and operation of HGV's / commercial vehicles associated with the existing industrial uses. As such, the applicant will be required to provide robust design mitigations

to warrant siting a residential use so close to an industrial area. It should be conditioned that all accesses and internal roads, safe routes to school assessments, upgrades / infrastructure required, will need to be agreed at the detailed matters specified by condition stage.

Taking into account the foregoing it is concluded that there are solutions to creating a safe means of access to this development that can be considered at a detailed application stage for this development.

### Local Road Network

The Roads DM Team comment that the applicant's junction impact assessment shows that junctions within the vicinity would continue to operate to acceptable levels and no mitigation measures are required. A condition should ensure that this is still the case at the detailed application stage

### Safe routes to school

The Roads DM Team comment that the industrial nature of South Esplanade raises safety concerns if pupils were to pass close to industrial operations in following the most direct routes to and from the closest schools (for instance via Cabel's or Murrays Lane). A condition should require a detailed matters specified application to provide a robust solution to ensuring a safe, convenient route to school for primary and secondary aged children.

### **Urban Green Space**

The play park and associated landscaping between the Aberdeen Boat Club and Aberdeen Schools Boat House is zoned as Urban Green Space. The play park is well equipped and maintained, offers a range of equipment and is understood to be well used. Policy NE3 on the topic states that *permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation and sport.* Exceptions will be made if an equivalent and equally convenient area is provided in the locality, however this is subject to several criteria.

As first submitted the application proposed to relocate the playpark to a part of the site adjacent to Victoria Road to allow the redevelopment of the existing play area for flats. However, this would breach at least two of the criteria in Policy NE3, specifically there would be a loss of established and mature trees and an impact on the landscape character and amenity of the area. Therefore, officers have required the complete removal of any development from the play area. This space will, therefore, remain unaffected in its current location, avoiding any conflict with Policy NE3 and also providing a recreational facility for children in close proximity to the proposed residential development

### **Layout and Design**

This application is for planning permission in principle. At this stage, therefore, the layout remains indicative. It has been developed to provide a degree of certainty that the number of units proposed can be accommodated within the site in a satisfactory manner. Whilst the layout may change through matters specified in conditions applications a high-quality design would be expected befitting of this prominent landmark riverfront location. Furthermore, certain elements of the design and layout will be established at this stage and will be expected to be retained as outlined below.

### **Big Buildings**

It is acknowledged that the building would be large, with the potential for up to seven storeys, therefore the provisions of Policy D3 (Big Buildings) and the associated supplementary guidance

applies. The policy indicates that big buildings are most appropriately sited in the city centre and its periphery. It is considered that South Dee, which lies less than a kilometre from Union Street and the heart of the City, would qualify as such a location and be appropriate for buildings of the scale proposed. Although there are no tall buildings at present, the adjacent River Dee offers a prominent and spacious foreground setting within which the buildings would sit when viewed from the busy North Esplanade Road West on the opposite side of the river – providing a landmark frontage lining the river and addressing a gateway route into the City. The large office buildings at North Dee and residential and office developments further upstream at Riverside Drive have established the townscape context within which that large buildings along the river front can be considered appropriate. Furthermore, the CCMP has identified that South Dee is a location where tall buildings suitably accommodated, with opportunities for the development to offer views over the river, harbour and city centre.

### **Density and Mix of Units**

Policy H3 on density requires a minimum density of 30 units per hectare (net) and to consider higher densities around local centres and public transport nodes. The developable site area is approximately 1.12 hectares, so, with a density of approximately 230 units per hectare, the development would comply with Policy H3. The high density is considered very appropriate in this location, complying with the Masterplan vision, creating a dramatic riverside frontage for Torry and ensuring that there is efficient use of the land in this highly sustainable urban location close to the City Centre, local services in Torry Town Centre and public transport routes. As indicated in the regeneration/economic impact section of this report, this scale of development has the potential to have a positive impact on the economic health of the Torry Town Centre. As explained in the Mixed Use Areas section above the development is also considered to comply with the requirement of Policy H3 to ensure they create an attractive residential environment is created and living conditions are safeguarded within the development.

Housing developments of larger than 50 units are required by Policy H4 (Housing Mix) to achieve an appropriate mix of dwelling types and sizes. The indicative layout shows that, whilst most units within the development would be two-bedroom flats (129 of the 258), there would be 90 one-bedroom, 32 three-bedroom and 7 four-bedroom. At least 25 percent of units would be affordable housing. It is considered that this represents a suitable range of unit types, complying with Policy H4. This mix could potentially change at matters specified in conditions stage as detailed designs for the building are developed, however through the MSC applications a suitable range of units and the provision of at least 25 percent affordable housing would be a strong material consideration that would be secured as an essential component of the proposal.

### **Scale and Position of Buildings**

The CCMP requires the development to have “attractive and coherent contemporary architecture that maximises views out and views into the development, including a perpendicular arrangement of riverside blocks and potentially a landmark tower building”

As this is an application for planning permission in principle, the architectural style and detailing is reserved for the matters specified in condition stage. Notwithstanding, the principles of the layout and design are discussed later in the report. Blocks however are proposed perpendicular to the river and comply fully with the CCMP in this regard.

All new developments are required by Policy R6 (Waste Management Requirements for New Development) to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Indicative layout plans for buildings show space for internal waste stores which would be from the South Esplanade West side of the buildings. There would be sufficient space for the number of bins indicated would be required by the Waste Strategy Team.

## **Built Heritage**

Policy D4 (Historic Environment) requires high quality design that respects the character, appearance and setting of the historic environment. The nearby Victoria Bridge dating from 1881 was listed as category B in 1967. It is a five-span structure constructed from granite, described by Historic Environment Scotland as featuring good detailing and elegant cast-iron lamp stands.

The built environment surrounding the bridge is typically industrial, heavily influenced by the presence of the harbour. Commercial and residential buildings also feature on the approach into Torry. The introduction of modern buildings would not change this character to any great degree, and it is considered that the setting of the bridge would be maintained, with the potential to enhance the setting through the removal of poor quality buildings and the introduction of high quality building design and landscaping along the river front as well as the potential to introduce a café/restaurant use on Victoria Road that would take advantage of the views of the river.

## **Natural Heritage**

### Habitats Regulations Appraisal

The River Dee is designated as a Special Area of Conservation (SAC), with qualifying interests of otter, freshwater pearl mussels and Atlantic salmon. Due to its close proximity there is the potential for the SAC to be affected by the development. It has also been identified that the Moray Firth SAC being affected as dolphins (one of its qualifying interests) are known to frequent the river mouth.

Under The Conservation (Natural Habitats, &c.) Regulations 1994 and Policy NE8 (Natural Heritage) there is a requirement that a development that is likely to have a significant effect on the SAC either alone or in combination with other plans or projects, will require an appropriate assessment (under the Habitats Regulations) to demonstrate that it will not adversely affect the integrity of the site. Development that would have an adverse effect will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

Officers have carried out an appropriate assessment and ascertained that, though the implementation of the mitigation measures identified below, the proposal will not adversely affect the integrity of the SACs. Conditions would be attached to any grant of planning permission to secure the provision and implementation of –

- A Geo-environmental report to address the contamination of the site.
- A Construction Environmental Management Plan
- An External Lighting Scheme accompanied by a Lighting Impact Assessment by a suitably qualified practitioner which ensures no light spillage over the river or riverbank, both during construction and once the development is operational.
- Otter protection plan – incorporating SNH's advice on the protection of otters
- Standard SUDS measures to ensure that surface water run-off from the development is appropriately treated prior to discharge to the River Dee.

A copy of the appropriate assessment is available along with the online application documents.

## **Flooding and Drainage**

### Flood Risk

Policy NE6 (Flooding, Drainage & Water Quality) states that development will not be permitted if it would increase the risk of flooding; it would be at risk itself from flooding; adequate provision is not made for access to waterbodies for maintenance; or it would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Although there has been no reported history of flooding at the site, due to its riverside location it is potentially at risk from fluvial (river) and coastal flooding, or a combination of both. Therefore, the applicant has submitted a flood risk assessment (FRA) which has been reviewed by both SEPA and Council's Structures, Flooding and Coastal Engineering Team.

In terms of fluvial flooding, the conclusion of the FRA is that the area of the site proposed for development would sit out-with the functional floodplain of the River Dee. Although there may be some uncertainties in the flood levels in the FRA (as is typical in an FRA), all built development would be above 3.92m Above Ordnance Datum (AOD), which is higher than both the fluvial and coastal flood levels and could be an acceptable design level for the development. At the request of SEPA a condition has therefore been attached which prevents any built development or land raising taking place on ground below 3.92m AOD.

The mouth of the River Dee has a narrow opening and also branches into the Aberdeen harbour. Therefore, in terms of coastal flooding, as a result the funnelling effect of high tide levels in the open sea into the upstream River Dee channel is significantly limited, as would the effect of sea waves.

Both SEPA and the Council's flooding team are satisfied that, subject to appropriate conditions, the development would not be at risk of flooding or increasing the risk of flooding at other properties, in accordance with Policy NE6. Furthermore, access to the river for maintenance would not change and strengthening of existing or creation of new flood defences would not be required.

### Drainage and Water Quality

In accordance with Policy NE6, surface water drainage associated with development must be the most appropriate available in terms of sustainable drainage systems (SUDS) and avoid flooding and pollution both during and after construction.

It is proposed to install porous paving within the parking bays to adequately treat surface water run-off. Rainwater from buildings would be captured via gutters and downpipes, the water then being directed to a surface water sewer network and cellular storage installed within the parking areas. The water would then discharge to the River Dee at a restricted rate.

Connection to the public sewer is a prerequisite of all development where this is not already provided. In this case foul water would be captured by a sewer network installed within the site before discharging to the existing Scottish Water sewer infrastructure located within South Esplanade West.

The surface and foul water drainage proposals are considered acceptable.

### **Air Quality**

Policy T4 (Air Quality) states that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed

and agreed. South Dee is adjacent to the City Centre Air Quality Management Area (AQMA) and Wellington Road AQMA, both declared due to exceedances in concentrations of nitrogen dioxide and particulate matter (PM<sub>10</sub>) on the road network.

The introduction of additional traffic additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. Environmental Health officers have considered the proposal and have confirmed that the number of parking spaces associated with the development would not trigger the requirement for a full air quality assessment therefore no further consideration is considered to be required in terms of Policy T4.

## **Affordable Housing / Developer Contributions**

### Affordable Housing

Policy H5 (Affordable Housing) requires housing developments of five units or more to contribute no less than 25% of the total number of units as affordable housing. At South Dee the equivalent of 64 units are required to be provided as affordable housing. A commuted sum £19,000 would complete the 25% affordable requirement. The applicant has agreed to this provision, which would be secured by a legal agreement. The entire site might be developed for affordable housing and this would also be acceptable in terms of the policy.

### Developer Obligations

To mitigate against the impact of the development on community infrastructure, financial contributions are sought through Policy I1 (Infrastructure Delivery and Planning Obligations) to make the development acceptable, calculated in accordance with the adopted Planning Obligations Supplementary Guidance and advice from relevant Council services. The applicant has agreed to these contributions, which would be secured by a legal agreement.

- Factoring this development into the 2017 roll forecasts for Walker Road Primary School would not appear to place the school over capacity.
- For Lochside Academy, factoring the development into the 2017, does not appear to place the school overcapacity.
- A contribution of £361,312 has been identified towards Torry Community Hub which has plans in place for expansion to accommodate additional users.
- A contribution of £49,400 has been identified towards providing additional changing rooms to increase capacity at Albury Sports Centre.
- In this instance, it is noted that the development proposes an enhanced path along the riverbank as part of this development, therefore no contribution towards core paths is sought.

In this instance, it is acknowledged that the application provides 8,059 m<sup>2</sup> of high quality public open space on site as part of the development. This would meet the normal policy requirement in part.

- A contribution of £114,015 is sought to create additional capacity at healthcare facilities in the city centre.

## **Sustainability**

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology in accordance with the associated supplementary guidance.

Policy R7 also requires all new buildings to use water saving technologies and techniques. A statement has been submitted which identifies water saving measures which would achieve gold standard on the Building Standards Sustainability Label. A condition has been attached requiring the measures to be implemented.

Conditions can be attached requiring details to be submitted demonstrating that the buildings would comply with these requirements.

## **Other Material Considerations**

### **City Centre Masterplan**

The site forms part of the area identified for the Torry Waterfront (CM03) Project (TWP) within the City Centre Masterplan (CCMP). The project area covers the area between the River Dee and South Esplanade West, Menzies Road, Victoria Road and Craig Place and is part of the wider North Dee/Torry Waterfront intervention area.

The CCMP sets out an opportunity for the significant redevelopment of existing industrial land uses to create a new riverside district that integrates with, and enhances, the community of Torry and connects with the emerging business quarter at North Dee. Formed around an expanded riverside park, the CCMP envisages the area to include a mix of uses that maximise the relationship to the water, including a Hotel Academy. The CCMP envisages the TWP as having a timescale of 20 years (from 2015).

Due in part to competing commitments and other priorities for projects within the CCMP, the TWP has not yet been progressed and there are no current proposals by the Council or any other party to co-ordinate or lead delivery of this project in the short or medium term. Aberdeen Harbour Board (AHB) wish to redevelop their area of land at South Dee ahead of the remainder of the TWP area and has resulted in the submission of the current application. The proposal does not incorporate the envisaged hotel academy or the pedestrian bridge over the Dee. There is a risk that, without the benefit of a planning and design brief, redevelopment of the area might not be carried out in a joined-up manner. Therefore, if this proposal is to progress independently of the wider TWP area, it is important that regard is paid to the current and future relationship of the proposed development to the remainder of the TWP area to the immediate south east so as not to prejudice future development of the TWP area and so as not to adversely affect the continuing operation of business uses in the remainder of the CCMP area.

There are significant elements of the proposal that are in full accordance with the CCMP vision. Each of the themes highlighted by the CCMP in relation to Torry Waterfront are outlined below, with a commentary of how the application relates, or responds, to them.

- *Relocation of remaining industrial uses to suitable accommodation elsewhere in the city and / or Shire*

Initial discussions with occupiers in the TWP area were undertaken by ACC Corporate Landlord but these have not progressed. The result is that the industrial and commercial uses are still present,

meaning that the ability to create a reasonable amenity and safe environment for residents requires to be addressed through this application. These issues are addressed above.

- *New housing, comprising riverside apartments and a mix of tenement apartment blocks and town houses.*

The proposal would provide eight blocks of flats along the riverside. The tenement flats and town houses indicated in the CCMP are not proposed, however, these housing types would be more appropriately sited within later phases of South Dee rather than on this riverside site where the higher flatted blocks are more appropriate to provide a dramatic riverside frontage and maximise the number of residents with river views.

- *Hotel Academy*

The CCMP identifies South Dee and the application site as the location of a hotel academy (Project EC12 in the CCMP), described as a “fully functioning high class hotel housed within a landmark building”. No hotel academy is proposed or in the pipeline. In the current market there is little or no demand for new hotel development. It is acknowledged that the likelihood of the hotel academy being progressed is very low and therefore its absence from the layout is considered acceptable. If a hotel academy proposal were to come forwards at some point in the future it could be accommodated by way of an amendment/addition to the current proposal or, equally well, closer to the City Centre on the opposite bank of the River Dee where such a project would also be compatible with the vision for the North Dee Business Quarter CCMP project.

- *A new pedestrian / cycle bridge linking Raik Road with Torry*

An opportunity for a new non-vehicular bridge between North Dee and South Dee is identified in the CCMP with the aim of making walking and cycling more attractive between the city centre and Torry. The CCMP identifies that cross subsidy and co-ordinated delivery of this bridge will be important.

No progress has been made on examining delivery options for the bridge and, without a defined project scope or idea of cost, it is unreasonable at this stage to seek financial contributions from the applicant towards its future delivery. Safe pedestrian links of similar length already exist to the City Centre via Victoria Bridge/Market Street or Queen Elizabeth Bridge/South College Street. The absence of a bridge at this stage is, therefore, not considered fundamental to the acceptability of the current application or future success of the TWP. The current application would create a logical “jumping off” point for the bridge from the central pedestrianised square and this would be aligned with Cabel’s Lane and Raik Road as envisaged by the CCMP. Implementation of the current application would, therefore, provide some of the preliminary groundwork that would help pave the way for delivery of the bridge link should such a project be progressed in the future.

- *A development layout based on retaining the existing grid of streets and creating a strong desire line from Cabel’s Lane to the new pedestrian bridge*

There is no street pattern to retain within the application site itself, however an area of the site has been reserved so that space is available to accommodate the bridge should the bridge project be realised. This would allow a strong desire line to be created from Raik Road on the north side of the river, across the bridge and onto Cabel’s Lane.

- *Attractive and coherent contemporary architecture that maximises views out and views into the development, including a perpendicular arrangement of riverside blocks and potentially a landmark tower building*

As this is an application for planning permission in principle, the architectural style and detailing is reserved for the matters specified in condition stage. Notwithstanding, the principles of the layout and design are discussed elsewhere in this report. Blocks however are proposed perpendicular to the river that maximise river views and the orientation of blocks and windows complies with the CCMP in this regard. This orientation and spacing of buildings and alignment of the central square with Cabel's Lane would facilitate future residential development of the remainder of the Torry Waterfront area by providing attractive views and convenient linkages toward the river, landscaped riverside and café/restaurant uses in the central square.

- *Active ground floor uses (use class 1 and 3) to address the riverside promenade and South Esplanade West.*

A total of 2,000 sq.m of commercial floorspace (comprising Class 1 (Shops) and Class 3 (Food and Drink) uses is envisaged by the CCMP.

A total of 616 sq.m of commercial space (which could be Class 1 Retail or Class 3 restaurant/café use) is proposed, split between locations on the square at the centre of the site and directly fronting onto Victoria Road and Victoria Bridge at the east end. These are considered as the most appropriate locations for such uses on the site in that they would enliven the river front and provide opportunities for views out over the river— for instance from riverside cafes or restaurants - as well as integrating with the commercial centre of Torry. Whilst the development is predominantly residential the scale of retail and other commercial space proposed is considered to be sufficient to create a successful mixed-use community with a variety of uses. Scope still exists in the remainder of the TWP area for the delivery of significant additional commercial property to meet the floorspace envisaged by the CCMP and areas away from the prime residential riverside frontage may well be the more appropriate site for commercial uses for which the riverside location and views are not important. The exact mix of uses to occupy the proposed space would depend on what is commercially viable but it is recommended that conditions are attached limiting uses to those specified above and the minimum floorspace of 616 sq.m gfa in accordance with that identified in by the application.

- *Traffic calming and public realm improvements on South Esplanade West, Cabel's Lane, Murray's Lane and Menzies Road.*

No traffic calming or substantial public realm improvements are proposed outside the site boundary. Nevertheless, the pavement along South Esplanade West would be comprehensively upgraded with tree planting close to the street to provide safe and pleasant pedestrian access to Victoria Road and Wellington Road and these improvements would be secured by a condition of any planning approval. South Esplanade West would retain its function as a through route for traffic to the south side of the harbour and access to industrial premises to the south east. The wider improvements to the public realm and roads in the rest of the TWP area outside the site boundary lie beyond the scope of what can legitimately be achieved by this application but would be a requirement of future applications. In the longer term, if such applications come forwards this would fulfil the vision of the masterplan for the area as a residential led mixed-use community.

- *Car parking provision to have limited visual impact on the riverside (i.e. basement, under croft).*

Parking is proposed in courts of typically 15 or 18 spaces, with a larger car park at the Victoria Bridge end. This arrangement allows for ample amenity space and areas for landscaping to be retained between car parking areas and the riverside as envisaged in the CCMP. The applicant has advised that basement, under-croft or multi-storey parking arrangements would make the development unviable and, therefore, they are not proposed.

On balance it is considered that, in large part, the proposal would deliver the vision of the CCMP for the TWP including:

- the construction of residential blocks forming a dramatic river frontage on a gateway route into the City, interspersed by landscaped parking courts set at right angles to the river to maximise river views
- the removal of moribund industrial premises,
- the remediation of contaminated land,
- the introduction of retail and/or restaurant /café space on the main street frontage and on the riverfront,
- the improvement of the riverside walkway and the enlargement of the riverside parkland including the enhancement of the wildlife and recreational value of this area to the benefit of both new residents of the development and the wider community of Torry.

It is acknowledged that the proposal would not secure two of the elements of the TWP, specifically the pedestrian bridge and hotel academy. Nevertheless, it does not preclude the implementation of the hotel academy (should this ever be proposed) elsewhere in the immediate vicinity. A central square would be created from which a pedestrian bridge could be built in the exact location proposed by the CCMP should funding ever be secured.

### **Regeneration and Economic Impact**

Scottish Planning Policy (SPP) states that the key role of the planning system to contribute towards the Scottish Government's central purpose of promoting sustainable economic growth. The Strategic Development Plan (SDP) aims to provide opportunities which encourage economic development and create new employment. Regeneration is a vital part of the plan's strategy and it indicates that improving the economy, environmental quality, accessibility, employment opportunities and the redevelopment of brownfield sites should play a particular role in regeneration areas.

Construction of the scheme is estimated to cost £29m and could take up to three years. The Council's City Growth Team estimates that this could generate 170 direct, indirect and induced temporary jobs over a three-year period. The total amount of new expenditure that would be generated by residents is less certain because this depends on what proportion of residents are new migrants into the City. A recent decline in population, emigration trends away from the city and the evidence of over-supply of certain properties in the city centre may mean that new resident expenditure is likely to be a fraction of the total amount of resident expenditure. However, if just 50% of residents were new to the city as a result of project then this could generate around £2.5m new resident spend per annum with an associated 34 supported jobs. The potential benefits of the retail offering are also not clear but based on the commercial floorspace of 616 square metres alone this could generate an additional £1m GVA per annum.

Notwithstanding the uncertainty about the scale of economic benefits it can be concluded that the proposed development would result in new investment, new employment opportunities, job creation and the reuse of a declining brownfield site in the Torry regeneration area – which is classed as one of the most deprived communities in Aberdeen on the index of multiple deprivation. With that in mind it is considered that the proposed development is would help deliver the economic development and regeneration of the community of Torry as well as redeveloping this brownfield site, improving environmental quality and accessibility – all in full accordance with the objectives of SPP and SDP. These factors are considered to be significant material considerations weighing in favour of the application.

## **Points raised in letters of representation**

One of the boat clubs has objected on the basis that the proposed tall buildings along the river would create a wind tunnel effect that would affect rowing on the river. The buildings would be well spaced with landscaped breaks and, therefore, would not create a wall of development. Furthermore, the buildings would be set well back from the river edge and be sited over 170 metres from the nearest tall building on the north bank. It is considered that a wind tunnel would not be created by the proposal.

All other points raised in the letters of representation have been addressed in the evaluation above.

## **Heads of Terms of any Legal Agreement**

A legal agreement would be required to secure the affordable housing provision and developer obligations outlined earlier in the report.

## **CONCLUSION AND REASON FOR RECOMMENDATION**

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The proposal is considered to comply with the Development Plan and other material considerations.

It is concluded that a satisfactory residential environment can be created which avoids undue conflict with the adjacent commercial uses in accordance with the mixed-use policy zoning (H2) of the Aberdeen Local Development Plan (ALDP). All flats would have river views and adjoin an enhanced and expanded riverside parkland. All ground floor flats would have dedicated areas of private outdoor amenity space. Although the area is still primarily commercial, the proposed development would remove all such uses from the northeast side of South Esplanade thereby changing its character to a partly residential environment. The noise impact assessment demonstrates that main impacts on residential amenity – noise from early morning commercial deliveries and road traffic – can be adequately mitigated by the installation of an enhanced glazing specification and an alternative ventilation system for windows in the affected flats and this can be secured by a planning condition.

The proposed development is highly accessible by sustainable modes of transport: close to bus routes, on the national cycle network, immediately adjacent to Torry town centre and within walking distance of the central bus and rail stations and the City Centre in full compliance with Policies T2 and T3 of the ALDP. Taking into account factors such as its sustainable location in Torry, provision of car club spaces and overprovision of secure cycle spaces it is considered that car ownership levels are likely to be relatively low and the impact of additional pressure on limited on-street parking spaces in the vicinity, although a concern, would not be significant enough to warrant refusal of the application. The low levels of car parking will need to be further justified through future detailed applications. Concerns about roads safety related to the number of car park accesses and potential conflict with commercial use on South Esplanade can be mitigated by design solutions in future detailed applications that can be secured by planning condition.

The proposal is considered to comply with relevant ALDP Policies related to Urban Green Space (NE3), Big Buildings (D3), Density and Mix (H3), Waste Management (R6), Built and Natural Heritage (D4, NE8), Flooding and Drainage (NE6), Air Quality (T4), Affordable Housing (H5), Developer Obligations (I1) and LZC buildings (R7)

The development would constitute the first piece in the jigsaw of redevelopment necessary to achieve the City Centre Masterplan (CCMP) vision for the Torry Waterfront Project Area. It would

potentially catalyse the longer-term transformation of the area from commercial to the residential-led mixed use community envisaged by the CCMP – a process that has little prospect of happening comprehensively and is only likely to occur incrementally. It would support the CCMP objective of promoting city living by providing a high-density landmark waterfront residential development area on the edge of the City Centre. Finally, it would help in the regeneration of Torry by creating and enhanced riverside parkland with café/restaurant uses for the benefit of the entire community and by providing affordable housing, new employment and resident spending in Torry town centre – in full accordance with the Scottish Planning and Development Plan policy to promote sustainable economic growth.

## **RECOMMENDATION**

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Willingness to approve subject to conditions and securing a legal agreement to deliver affordable housing and developer obligations towards community facilities, sports and recreation, open space and healthcare.

## **CONDITIONS**

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### 1) PHASING

No development shall take place unless a matters specified in conditions application including a phasing plan for the delivery of the development has been submitted to and approved by the planning authority. The phasing plan shall show –

- The order in which blocks shall be delivered
- The stage in development at which the commercial space shall be delivered
- A scheme for the delivery of affordable housing
- The stage in development at which the entirety of the riverside walkway shall be delivered
- The areas of parking which will be associated with each block
- A scheme for the delivery of affordable housing on the site

Thereafter no development shall take place other than in full accordance with the phasing plan(s) thereby approved.

Reason – to ensure that the development is delivered in a comprehensive and coherent manner.

### 2) COMMERCIAL FLOOR SPACE

The commercial space shall be restricted to the following uses –

- Central unit (circa 113 sq.m) – Class 1 (Shops) and Class 3 (Food and Drink)
- Victoria Road units (circa 503 sq.m) – Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink)

Reason – to ensure a suitable mix of uses within the development.

### 3) DESIGN AND LAYOUT OF ROADS, PATHS AND BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application, including the detailed layout and design of access points, roads, parking areas, buildings and other structures for that particular phase or block, has been submitted to and approved in writing by the planning authority.

The application shall be in full accordance with the strategic layout of roads paths and buildings established by this grant of the planning permission in principle and comprise –

- i) details of existing and proposed site levels (including cross sections);
- ii) details of the layout and finish of roads, footpaths and cycle paths, including an upgraded riverside path and boardwalk, all designed to integrate with future phases of development
- iii) details of the mix of commercial and residential unit type, size and tenure;
- iv) details of layout, design and external appearance of –
  - a. vehicular, pedestrian and cycle access points
  - b. buildings and ancillary structures;
  - c. vehicular and motorcycle parking;
  - d. short and long-term secure cycle parking;
  - e. storage and collection arrangements for waste and recyclables; and
  - f. boundary enclosures around the site or particular areas.

Thereafter the development shall not be implemented other than in full accordance with the approved details.

Reason – to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

#### 4) LANDSCAPING AND OPEN SPACE

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- i) Those areas reserved as private space and those areas that will be freely accessible by the general public with the latter to include all riverside areas and the central square.
- ii) Existing and proposed finished ground levels;
- iii) Existing landscape features, trees, woodland and vegetation to be retained or removed;
- iv) Existing and proposed services and utilities including cables, pipelines and substations;
- v) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting.
- vi) Location, design and materials of walls, fences, gates and street furniture;
- vii) Arrangements for the management and maintenance of existing and proposed open space, woodland and landscaped areas including watercourse buffer strips; and
- viii) Proposed hard surface finishing materials.

All soft and hard landscaping proposals should:

- be specifically designed to enhance both the recreational and the wildlife value of the riverside
- shall include mature tree planting along and close to the footway of South Esplanade West,
- shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity and recreational value of the site and creating a suitable living environment for future residents.

## 5) EXTERNAL LIGHTING

No development within any particular phase or block shall take place unless a matters specified in conditions application including details of the external lighting for that particular phase or block (during construction and as part of the permanent scheme) has been submitted to and approved in writing by the planning authority. The scheme shall be accompanied by a Lighting Impact Assessment by a suitably qualified practitioner which ensures no light spillage over the river or riverbank. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

## 6) SITE INVESTIGATION

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination on or within the land forming that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include

- (i) an investigation to determine the nature and extent of contamination;
- (ii) a site-specific risk assessment; and
- (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter no building within the particular phase or block shall be occupied unless' for that building

- (i) any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
- (ii) a report specifically relating to the building has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final building within the particular phase or block site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies the completion of the remedial works for the entire phase or block, unless the planning authority has given written consent for a variation.

Reason – in order to ensure that the site is fit for the intended end uses and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

## 7) RIVERSIDE BUFFER STRIP

No development shall take place unless a matters specified in conditions application comprising details of a buffer strip to the river tidal limit has been submitted to and approved in writing by the planning authority in consultation with SEPA. Thereafter, no development shall take place below the tidal limit or in any case below 3.92m AOD.

Reason – to ensure the flood plain capacity is not adversely affected.

## 8) OTTER PROTECTION PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless matters specified in conditions application comprising an otter protection plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The plan must be produced by an appropriately qualified person and contain avoidance, mitigation and compensation measures in accordance with Scottish Natural Heritage's advice, to minimise the impact of the development on otters. Thereafter no development shall take place unless the agreed mitigation measures have been implemented.

Reason – to ensure the protection of a European protected species and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

## 9) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) within any part of the site shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular part of the site has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP shall detail the site-specific management of surface water run-off and thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of necessary demolition / construction works on the environment and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

## 10) DUST MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a Dust Management Plan for that particular part of the site has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason – to control air pollution from dust associated with the construction of the development.

## 11) TREE PROTECTION

No development within any particular phase or block shall take place unless the tree protection fencing relating to that particular phase or blocks and shown on Astell Associates drawing SEW-1906-TP (Rev.1) and Appendix H of Tree Survey Report SEW-1906-TR (Rev.1), or such other tree protection drawing that has been approved in writing by the planning authority, has been installed. Thereafter the tree-protection fencing shall remain in place for the duration of the construction period.

Reason - in order to safeguard trees which are to remain on the site.

## 12) RECORDING OF FORMER MISSION HALL

No development associated with the former mission hall at 4 Esplanade West shall take place unless a matters specified in conditions application including a Level 2 archaeological standing building survey of the building and has been submitted to and approved in writing by the planning authority.

The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning application reference number.

Reason – To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

### 13) SURFACE WATER DRAINAGE

No development within any particular phase or block shall take place unless a matters specified in conditions application including a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include a detailed design of the surface water out-fall proposed on the banks of the River Dee. Thereafter development shall be implemented in accordance with any scheme thereby approved.

Reason – in order to ensure adequate protection of the water environment from surface water run-off and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

### 14) WASTE-WATER CONNECTIONS

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste-water system are in place. Thereafter no building shall be occupied unless connection has been made to the public waste-water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

### 15) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of mitigation measures for the protection of the proposed residential properties from external noise for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall ensure that internal noise levels do not exceed the criterion identified in Table 16 of the Noise Impact Assessment prepared by CSP Acoustics (ref: 1329002 IK V2 – 13<sup>th</sup> September 2019). Thereafter no residential property shall be occupied unless the mitigation measures relevant to that particular property have been implemented in accordance with the agreed scheme.

Reason – to ensure that residents of the development are adequately protected from excessive noise levels.

### 16) ALTERNATIVE MEANS OF VENTILATION

No development associated with any particular block shall take place unless a matters specified in conditions application including a scheme demonstrating that suitable ventilation complying with the relevant building standards for each of the units within that block has been submitted to and approved in writing by the planning authority. Thereafter no unit within that block shall be occupied unless the buildings have been constructed in accordance with the agreed scheme.

Reason - In order that satisfactory ventilation can be provided to flats without windows being opened, which could result in exposure to excessive noise levels.

#### 17) BUS STOP IMPROVEMENTS / PEDESTRIAN CROSSING

No phase or block shall be occupied unless a matters specified in conditions application including a scheme for the improvement of the existing bus stops at the following locations has been submitted to and approved by the planning authority and thereafter the bus stops have been upgraded in accordance with the approved details.

- a) on the west side of Victoria Road, 40m north of the junction with South Esplanade West
- b) on the east side of Victoria Road, 25m north of the junction with South Esplanade West
- c) on the north side of Menzies Road, opposite the junction with Walker Lane;
- d) on the south side of Menzies Road, 28m south of the junction with Walker Lane;
- e) on the north side of Menzies Road, 28m north of the junction with Walker Place and;
- f) on the south side of Menzies Road, 17m north of the junction with Walker Place

The said scheme should consider the provision of bus shelters, real-time information displays, timetables, lighting, boarding kerbs, and road markings at each bus stop, with the expectation the stops are upgraded to the extent that the locational characteristics of each stop allows.

Thereafter no units shall be occupied unless all bus stops have been upgraded in accordance with the approved scheme.

Reason – in order to encourage the use of public transport to the site.

#### 18) CAR CLUB PARKING SPACES

No development associated with the provision of the car parking areas hereby approved shall take place unless a scheme showing the location and delivery method of two 'car club only' parking spaces has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless (i) the car club only parking spaces have been constructed and are available for use and any associated signs or road markings have been implemented, in accordance with a phasing plan if necessary; and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only.

Reason – To encourage modal shift away from the private car.

#### 19) ELECTRIC VEHICLE CHARGING POINTS

No unit shall be occupied unless (i) details of the type and location of electric vehicle charging points and bays; (ii) markings and signage to identify the bays; and (iii) a phasing plan for their provision, have been submitted to and approved in writing by the planning authority. Thereafter the charging points and bays shall be provided in accordance with the agreed phasing plan prior to the occupation

Reason – to provide for and encourage the use of electric vehicles.

#### 20) WATER EFFICENCY STATEMENT

No development within any particular phase or block shall take place unless a matters specified in conditions application including a water efficiency statement for that particular phase or block has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK)

and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings or BREEAM level 5 for non-domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

Reason – in order to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

#### 21) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, each building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

#### 22) SOUTH ESPLANADE WEST PAVEMENT

No development shall take place unless a matters specified in conditions application comprising a scheme to bring the pavement on the north west (development site) side of South Esplanade West between in its junction with Victoria Road and Wellington Road up to adoptable standard has been submitted to and approved in writing by the planning authority. Any vehicular accesses into the site shall be formed as footway crossings rather than a road junction, to provide pedestrian priority along the length of the development frontage.

Thereafter no unit shall be occupied unless the scheme has been implemented in its entirety.

Reason – in order to provide satisfactory and safe pedestrian access to the development.

#### 23) SAFE ROUTES TO SCHOOL

No development shall take place unless a matters specified in conditions application, including an assessment of, and scheme for securing, safe pedestrian routes to Lochside Academy and Walker Road Primary School (or such as other school as pupils from the site may be zoned to should circumstances change), has been submitted to and approved in writing by the planning authority. Thereafter no residential unit shall be occupied unless any associated work identified by the approved scheme to create the safe routes has been completed.

Reason - in order to promote sustainable and safe travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

#### 24) RESIDENTIAL TRAVEL PACK

No development within any particular phase or block shall take place unless a matters specified in conditions application including a residential travel pack has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the

use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

## **ADVISORY NOTES FOR APPLICANT**

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### **1) EXPIRATION OF CONSENT**

Pursuant to section 59 of the Town and Country Planning (Scotland) Act 1997 this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.

### **2) REQUIREMENT TO SUBMIT APPLICATIONS FOR MATTERS SPECIFIED IN CONDITIONS**

As specified by Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) all conditions of this planning permission in principle that require the submission of information of any sort for further approval, agreement or consent of the planning authority, require to be subject a formal application for matters specified in conditions.

### **3) DETAILED PLANNING APPLICATIONS**

The submission of standalone detailed planning applications is strongly discouraged due to the added complexity of assessing such applications out-with the terms of the planning permission in principle. Should detailed planning applications be submitted it is likely that

- a) further supporting information (e.g. transport assessment) would be required in order to adequately assess the proposals and
- b) new section 75 legal agreements would be required in order to secure developer obligations.

Notwithstanding the standalone nature of any detailed planning applications, such application would be required to comply with the design, landscaping and layout principles of this, or subsequent approved planning permission in principle applications and associated planning conditions.

### **4) LEVEL 2 STANDING BUILDING SURVEY**

A full analytical record, which will include detailed photographs of decorative and structural elements, a detailed written description and account of the building's origins, development, use and the evidence on which this has been based. Readily available historic documentation will be examined, and measured drawings will be made of relevant sections, elevations and key architectural features. Surveys must be submitted in a digital format. A more detailed specification of the survey can be obtained from the Council's Archaeology Service.

### **5) LAYOUT AND DESIGN PRINCIPLES**

The indicative layout approved as part of this application has been produced to demonstrate that the quantum of development proposed (built structures, car parking, landscaping etc.) can be satisfactorily accommodated on the site. Other alternative layouts may also be considered acceptable however they would be expected to meet the following principles –

- a) Buildings situated at right angles to the river, spaced no closer than the PPiP approval, of high-quality landmark design fit for the riverside context, and avoid a wall of development along the river and South Esplanade West
- b) Buildings setback from the pavement of South Esplanade West and mature tree planting in landscape strips along the street to provide a buffer and defensible space
- c) All units within the blocks having views towards the river, with no single aspect flats onto South Esplanade West and single aspect flats only being used elsewhere if this can be demonstrated as being absolutely necessary
- d) A line of sight between Cabel's Lane and the river
- e) Parking set back from the ends of the buildings closest to the river and in no circumstances extending beyond the end of the building.
- f) A central square of pedestrian only, public realm capable of accommodating a bridge from the opposite side of the river
- g) Commercial floor space at ground level at Victoria Bridge and as part of the central area of public realm
- h) An improved public walkway and boardwalk along the river edge
- i) Retention of the existing play area

## 6) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service ([poll@aberdeencity.gov.uk](mailto:poll@aberdeencity.gov.uk) / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.